

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOCAL UNION NO. 580 of the INTERNATIONAL
ASSOCIATION OF BRIDGE, STRUCTURAL,
ORNAMENTAL AND REINFORCING IRON
WORKERS, AFL-CIO, AND

TRUSTEES OF LOCAL UNION NO. 580 of the
INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL, ORNAMENTAL AND REINFORCING
IRON WORKERS EMPLOYEE BENEFIT FUNDS,

Plaintiffs

-and-

D.F.S BROTHERS IRON WORKS, INC A/K/A
D.F.S BROTHERS STEEL FABRICATORS, and
MASPETH STEEL FABRICATORS, INC.,

Defendants

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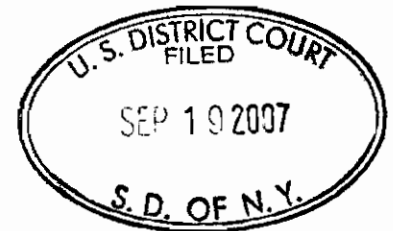
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Civil Action No:

07-5463 (JSR)

**ANSWER TO
AMENDED
COMPLAINT**



Defendants, by and through their attorney, Robert Tavon, hereby answer as follows:

As And For a First General Defense

1. Admit the allegations contained in paragraphs 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, as well as 8, and 9 only in so far as "D. F. S." is D.F.S. Brothers Iron Works, only and deny each and every other allegation made in each and every other paragraph.

As And For A First Affirmative Defense

2. Maspeth Steel Fabricators, Inc categorically does not share "common customers".

3. In fact, Maspeth Steel Fabricators, Inc is a non-union entity serving on projects which are non-union.
4. Maspeth Steel Fabricators, Inc is wholly owned by different persons than either D.F.S. Brothers Iron Workers Inc or D.F.S. Brothers Steel Fabricators Inc.
5. The owners of Maspeth Steel Fabricators, Inc share no commercial financial relation to the owners of the other two companies.
6. Maspeth Steel Fabricators, Inc is operated, managed and staffed by persons having no current relationship to the other two companies.
7. In fact, D.F.S. Brothers Iron Works, Inc is practically a defunct company and is in the process of dissolution.
8. Where there to be any relationship between these companies they are wholly within the bounds of the common-law for double breasted companies.
9. Therefore Maspeth Steel Fabricators, Inc is in no way the later-ego nor does it take business away from D.F.S. Brother Iron Works, Inc, the company with which the union has a contract.

WHEREFORE it is requested that this court deny plaintiff's request to add Maspeth Steel Fabricators, Inc as a defendant nor hold them liable in any way for the liabilities of D.F.S. Brothers Iron Works, Inc and or grant such other relief as the Court deems just and proper.

Dated: Riverdale, Bronx New York
September 19, 2007

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